

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
VS. § MAGISTRATE ACTION NO. C-06-631
§
DAVID WAYNE WOMACK, §
§
Defendant. §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f).

The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant has shown that he and/or family members have sufficient resources to address the risk of flight, but the defendant has failed to address danger to the community. Currently his living arrangements involve living in a home where minor children reside and which is near an elementary school. He is employed as a deck hand on a ferry boat where children are frequently present. The motion for detention is granted. This decision may be reconsidered if defendant is able to produce satisfactory proof of living arrangements which do not include the presence of minor children or proximity to elementary or middle schools. His job must also not include contact with minor children.

The defendant is committed to the custody of the Attorney General or his designated

representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 5th day of September, 2006.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE